

1 PETER M. HART, Esq. (State Bar No. 198691)  
2 **LAW OFFICES OF PETER M. HART**  
3 13952 Bora Bora Way, F-320  
4 Marina Del Rey, CA 90292  
5 Telephone: (310) 478-5789  
6 Facsimile: (509) 561-6441  
7 [hartpeter@msn.com](mailto:hartpeter@msn.com)

8 KENNETH H. YOON (State Bar No. 198443)  
9 **LAW OFFICES OF KENNETH H. YOON**  
10 One Wilshire Blvd., Suite 2200  
11 Los Angeles, CA 90017  
12 (213) 612-0988  
13 (213) 947-1211 facsimile  
[kyoon@yoon-law.com](mailto:kyoon@yoon-law.com)

14 LARRY W. LEE (State Bar No. 228175)  
15 CRAIG S. HUBBLE (State Bar No. 200789)  
16 **DIVERSITY LAW GROUP, A Professional Corporation**  
17 444 S. Flower Street, Suite 1370  
18 Los Angeles, CA 90071  
19 (213) 488 – 6555  
20 (213) 488 – 6554 facsimile  
[lwlee@diversitylaw.com](mailto:lwlee@diversitylaw.com)

21 Attorneys for Shameika Moody

22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 SHAMEIKA MOODY as an individual and on  
18 behalf all of others similarly situated,

19 Plaintiff,  
20 vs.  
21 CHARMING SHOPPES OF DELAWARE,  
22 INC., a corporation; and DOES 1 through 50,  
23 inclusive,  
24 Defendants.

Case No.: C 07-06073 MHP

**DECLARATION OF CRAIG S. HUBBLE IN  
SUPPORT OF PLAINTIFF'S OPPOSITION  
TO DEFENDANT CHARMING SHOPPES,  
INC.'S MOTION TO DISMISS FOR LACK  
OF PERSONAL JURISDICTION PURSUANT  
TO F.R.C.P. RULE 12(B)(2)**

25  
26  
27  
28

JUDGE: HON. MARILYN HALL PATEL  
DATE: MAY 5, 2008  
TIME: 2:00 p.m.  
COURTROOM: 15

**DECLARATION OF CRAIG S. HUBBLE**

I, CRAIG S. HUBBLE, declare as follows:

1. I am an individual over the age of 18. I am a California bar-admitted attorney with a private practice. My firm is the Diversity Law Group, P.C. and I am one of the attorneys of record for Plaintiff Shameika Moody. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. While her Complaint originally named only CSDI – the entity that was named on the pay stubs and wage statements provided to her – Plaintiff Shameika Moody (“Plaintiff”) filed a First Amended Complaint on or about January 18, 2008, naming Charming Shoppes, Inc. (“CSI”) and Lane Bryant, Inc. (“LBI”) as additional defendants.

## • CSI'S SEC FILINGS

3. Attached hereto as Exhibit A is a true and correct excerpt from the Form 10-K Annual Report filed with the SEC on April 2, 2008 by CSI. Given that the document numbers approximately 250 pages, Plaintiff is submitting the first 41 pages, which contain the relevant excerpts, rather than the entire document.

4. Attached hereto as Exhibit B is a true and correct of CSI's 2006 Annual Report.

5. Attached hereto as Exhibit C is a true and correct of a Form 8-K Report of Unscheduled Material Events or Corporate Changes filed with the SEC on or about February 6, 2008.

- **EMPLOYEE HANDBOOK**

6. Attached hereto as Exhibit D is a true and correct of the handbook provided to Plaintiff in connection with her employment with CSI.

- **CSI'S PRESS RELEASES**

7. After the tragic shooting in a Lane Bryant store in Tinley Park, Illinois, claimed the lives of five women, Lane Bryant issued a press release offering sympathy to their families. The press release concludes by stating that "Lane Bryant is owned and operated by Charming Shoppes, Inc." A true and correct copy of the February 6, 2008 press release is attached hereto as Exhibit E.

1       8.       Attached hereto as Exhibit F is a true and correct of a press release issued by CSI on or  
2 about March 13, 2008.

3       9.       Attached hereto as Exhibit G is a true and correct of a press release issued by CSI on or  
4 about November 14, 2007, concerning the creation of a Corporate Marketing Group and the promotion  
5 of Tim White to the position of Executive Vice President and Chief Marketing Officer of CSI.

6       10.      Attached hereto as Exhibit H is a true and correct of a press release issued by CSI on or  
7 about June 25, 2007, concerning the promotion of LBI's current President, LuAnn Via, to her current  
8 position.

9       11.      Attached hereto as Exhibit I is a true and correct of a press release issued by CSI on or  
10 about March 19, 2008, announcing CSI's fourth quarter results.

11      12.      Attached hereto as Exhibit J is a true and correct of a press release issued by CSI on or  
12 about April 2, 2008, concerning CSI's mailing of definitive proxy materials.

13      13.      Attached hereto as Exhibit K is a true and correct of a press release issued by CSI on or  
14 about February 5, 2008, concerning CSI's initiatives to streamline its business operations.

15            • **CSI'S WEBSITE**

16      14.      In the "Investor Relations" section of its website ([www.charming.com](http://www.charming.com)), CSI provides  
17 "Company Facts," highlighting CSI's history and describing its core brands. Under the heading  
18 "Associates," CSI states "Charming Shoppes, Inc. employs approximately 30,000 associates." A true  
19 and correct print-out of the referenced webpage is attached hereto as Exhibit L.

20      15.      In the same subsection of its website, CSI represents that it is "the parent company of  
21 four distinct brands" and describes CSI's "Core Brands."

22      16.      On the same webpages, CSI also lists all of the domain names that it owns, including  
23 [lanebryant.com](http://lanebryant.com), [fashionbug.com](http://fashionbug.com) and [catheirnes.com](http://catheirnes.com). When I accessed these websites, I was taken to  
24 pages on CSI's website. For example, "lanebryant.com" is actually "lanebryant.charming.com."

25      17.      On another page of its website, CSI plugs its commitment to fostering a diverse culture  
26 "among our more than 30,000 associates across the country." A true and correct print-out of the  
27 referenced webpage is attached hereto as Exhibit M.

1       18.    CSI's website provides a wealth on information for potential job applicants, as well,  
2 featuring a section entitled "Career Center." On its "Career Opportunities" page, CSI instructs  
3 potential employees interested in a position in one of CSI's 2,400+ retail stores to print and complete  
4 an employment application, a PDF version of which is linked on the website, then "bring [the]  
5 completed application" to the nearest CSI brand store. A true and correct print-out of the referenced  
6 webpage is attached hereto as Exhibit N.

7       19.    The employment application bears CSI's logo at the top of the page, and lists CSI's  
8 various brand names at the bottom, including Lane Bryant, Fashion Bug and Catherine's.  
9 Significantly, the document is entitled "CHARMING SHOPPES, INC. EMPLOYMENT  
10 APPLICATION." Before completing the required personal information, the applicant is asked to  
11 check their "DIVISION OF CHOICE," including "Charming Corporate," "Lane Bryant," "Fashion  
12 Bug," "Lane Bryant Outlet," "Catherines," and "Petite Sophisticate." A true and correct print-out of  
13 the Charming Shoppes, Inc. Employment Application is attached hereto as Exhibit O.

14       20.    The "Career Center" section of CSI's website also contains detailed information about  
15 the benefits provided by CSI to its employees. True and correct print-outs of the webpages detailing  
16 the various benefits provided by CSI to its employees are attached hereto as Exhibit P.

17       21.    According to its website, CSI currently has at least 175 retail stores in California,  
18 including 90 Lane Bryant, 45 Fashion Bug, 36 Catherine's Plus Sizes and 4 Petite Sophisticate. A true  
19 and correct print-out of the referenced webpage is attached hereto as Exhibit Q. In addition, a search  
20 of store locations on the website maintained for Lane Bryant Outlet revealed at least 11 Lane Bryant  
21 Outlet stores in California. A true and correct print-out of the referenced webpage is attached hereto  
22 as Exhibit R.

23       22.    In the "FAQ subsection" of the "Career Center" section of its website, CSI states that it  
24 not only allows, but encourages employees to transfer within its various divisions. CSI states that it  
25 encourages its associates to "explor[e] career options across the corporation." CSI adds that, it  
26 "promote[s] from within whenever possible, and our multiple brands provide many opportunities for  
27 associates to explore." A true and correct print-out of the "FAQ" webpages from CSI's website is  
28 attached hereto as Exhibit S.

1       23. True and correct print-outs of the “Job Categories/Department Previews” webpages  
 2 from CSI’s website are attached hereto as Exhibit T.

3           • **ADDITIONAL CSI FACILITY AND EMPLOYEES IN CALIFORNIA**

4       24. The “Career Center” section of CSI’s website also features the ability to search “current  
 5 job openings.” A potential employee can search by position, brand or location. When I performed a  
 6 search of all available positions within California, it revealed not only potential opportunities in CSI’s  
 7 retail locations, but also a position for a Quality Control Inspector in Charming Shoppes Santa Fe  
 8 Springs, California facility. Santa Fe Springs is a centralized location for the textile and apparel  
 9 industry in a suburb of Los Angeles, California. The ad for this positions states that CSI is “searching  
 10 for a Quality Control Inspector for our inspection facility in Santa Fe Springs, CA.” A true and correct  
 11 print out of the employment ad is attached hereto as Exhibit U.

12       25. After clicking on the “Apply Online” tab, I was directed to another page that not only  
 13 contains the exact same language, but also specifically identifies the “Division” within which the  
 14 position operates as “Charming Shoppes.” A true and correct print out of this second ad/webpage is  
 15 attached hereto as Exhibit V.

16       26. In addition, a virtually identical ad was posted on the careerbuilder.com website,  
 17 identifying the company/employer as “Charming Shoppes” and referencing the CSI inspection facility  
 18 in Santa Fe Springs, California. A true and correct print out of the careerbuilder.com ad is attached  
 19 hereto as Exhibit W.

20       27. I subsequently searched of the yellowbook.com website, operated by AT&T, and it  
 21 revealed that “Charming Shops Quality Control” is located at 12816 Shoemaker Ave., in Santa Fe  
 22 Spring, California. A true and correct print out of the yellowbook.com results are attached hereto as  
 23 Exhibit X. A search of area codes revealed that the 562 area code has been assigned for use in  
 24 Southern California.

25       28. I called the listed telephone number at approximately 6:00 p.m. on April 8, 2008. I was  
 26 greeted by an automated message that stated: “Hi. You have reached Charming Shoppes’ inspection  
 27 team. Please leave a brief message, and we will call you back as soon as possible. Thank you.”

1           • **ADDITIONAL EVIDENCE**

2       29. On April 8, 2008 at approximately 6:20 p.m., I called the toll free “Financial  
3       Compliance Hotline” telephone number listed in the handbook provided to Plaintiff. I was greeted by  
4       a message that stated: “My name is Colin Stern, General Counsel of Charming Shoppes. This  
5       telephone line has been set up for employees of Charming Shoppes who wish to submit to the Audit  
6       Committee of the Charming Shoppes Board of Directors confidential, anonymous complaints or  
7       concerns regarding the Company’s financial statement disclosures, accounting, internal accounting  
8       controls or auditing matters. Please leave details of your concerns and complaints on the voice  
9       recorder, which I have sole and exclusive access. I will then forward these complaints and concerns to  
10       the Audit Committee, which will review and consider them and take appropriate action. Concerns  
11       related to other matters should be directed through the appropriate channels as outlined in the  
12       Company’s policies and practices guidelines.”

13           • **ADDITIONAL DISCOVERY AS TO JURISDICTIONAL ISSUES**

14       30. In the event that this Court is inclined to grant CSI’s Motion to Dismiss, Plaintiff  
15       should also be allowed to propound written discovery requests, obtain documentation and conduct  
16       deposition discovery regarding the extent of the CSI’s participation in the day-to-day activities of its  
17       incorporated divisions (such as LBI), including the extent of CSI’s involvement in:

18           • reducing store payroll hours;  
19           • the decision to close approximately 150 retail stores, as well as the locations of the  
20       closed stores;  
21           • the determination of associate compensation;  
22           • the provision of employee benefits to associates;  
23           • inventory management;  
24           • identifying new store locations and the negotiation of store leases;  
25           • store design and construction;  
26           • loss prevention;  
27           • marketing;  
28           • distribution/logistics;

- the elimination of employee positions and termination of employees; and
- budgeting, auditing and payroll functions.

31. In addition, Plaintiff should be permitted to obtain and review documentation including employee handbooks for all of the retail locations of CSI's brands in California, wage statements, organizational charts, joint management documents and joint human resources documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 14th day of April, 2008.

Craig S. Hubble